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9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 AUGME TECHNOLOGIES, INC.,

15 Plaintiff,

16 v.

17 YAHOO! INC.,

18 Defendant

19 AND RELATED COUNTERCLAIMS  
20  
21

Case No. C-09-5386 JCS

**DECLARATION OF DANIEL P.  
MUINO IN SUPPORT OF THE  
PARTIES' STIPULATED  
REQUEST FOR AN ORDER  
ENLARGING TIME PURSUANT  
TO CIV. L.R. 6-1(B) AND 6-2**

Hon. Joseph C. Spero

1 I, Daniel P. Muino, do hereby declare as follows:

- 2 1. I am an attorney at the law firm Morrison & Foerster LLP, 425 Market Street, San  
3 Francisco, California 94105, counsel of record in this action for defendant Yahoo! Inc.
- 4 2. I submit this declaration based on personal knowledge in support of the parties' Stipulated  
5 Request for Order Enlarging Time Pursuant to Civ. L.R. 6-1(b) and 6-2.
- 6 3. On Friday, October 22, 2010, counsel for Augme Technologies, Inc. ("Augme"), David R.  
7 Shaub emailed me and my colleagues about extending, by one week, the deadline for the  
8 parties' exchange of Preliminary Claim Construction and Extrinsic Evidence pursuant to  
9 Patent L.R. 4-2, currently set on October 25, 2010. (*See* Docket No. 64.) The parties  
10 discussed the requested extension, and the corresponding necessity to extend the due date  
11 of the parties' subsequent Joint Claim Construction and Pre-hearing Statement, in several  
12 follow-up emails on Friday and the following Monday, October 25, 2010.
- 13 4. The parties agreed during those communications that an extension for the parties'  
14 exchange of Preliminary Claim Construction and Extrinsic Evidence is desirable to allow  
15 the parties sufficient time to carefully draft proposed claim constructions and to gather  
16 evidence in support of the proposed constructions. The parties also agreed that a  
17 corresponding extension for the filing of their Joint Claim Construction and Pre-hearing  
18 Statement is desirable to both allow the parties sufficient time to confer and narrow the  
19 differences in their claim construction positions and to avoid the Thanksgiving Holiday.
- 20 5. Hence, the parties agreed to extend the deadline for the exchange of their Preliminary  
21 Claim Construction and Extrinsic Evidence by one week, from October 25, 2010 to  
22 November 1, 2010, and to extend the deadline for the filing of their Joint Claim  
23 Construction and Pre-hearing Statement by three weeks, from November 12, 2010 to  
24 December 3, 2010. These two extensions will not affect any other deadline in this action.
- 25 6. Regarding previous time modifications in this case: the parties have previously agreed to  
26 extend defendant's time to answer the complaint and the first amended complaint, as the  
27 defendant was preparing a FRCP 12 motion against each. (*See* Docket Nos. 9, 10, 27 and  
28 29.) The parties also stipulated to extend the date of an initial Case Management

1 Conference as they were conferring regarding the sufficiency of plaintiff's First Amended  
2 Complaint. (*See* Docket No. 26). In addition, the parties extended the briefing schedule  
3 and hearing date of defendant's Motion for a More Definite Statement, filed in response to  
4 plaintiff's First Amended Complaint, in order to enable plaintiff to file a Second Amended  
5 Complaint instead of an opposition. (*See* Docket No. 33.) Finally, the parties had  
6 previously extended the date for exchanging their Preliminary Claim Construction and  
7 Extrinsic Evidence by one week. (*See* Docket No. 64.)  
8

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct. Executed on October 25, 2010 in San Francisco, California.  
11

12 /s/ Daniel P. Muino  
Daniel P. Muino  
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